

**Regular Meeting of the
Board of Mayor and Council
City of McKenzie
McKenzie, TN**

April 26, 2007

- a. Call to Order** – Mayor Walter Winchester
- b. Opening Prayer** – Councilperson Hale
- c. Roll Call** – All members of the council were present.

Mayor Winchester
Councilperson Hale
Councilperson Davis
Councilperson Ramey
Councilperson Allen
Councilperson Holland
Councilperson Adkins

- d. Mayor’s Welcome**

Mayor welcomed two citizens and department heads to the meeting.

- e. Approval of Minutes**

Motion made by Councilperson Hale, seconded by Councilperson Allen, to approve the minutes as presented. The motion passed with no voiced opposition.

- f. Financial Matters**

1. **Bills:** **Vendor(s)** **Amount**

None

- g. Old Business**

None presented.

- h. New Business**

1. **Discussion of the Verizon cellular tower located at the city park at Como Street**

Discussion:

Mayor advised the Council that Verizon Cellular Phone Company had approached the city for a place to establish cellular phone service on the north side of McKenzie. Their initial site was to place a halo on the park water tank but when they did a title search, they were informed that the tank location was on park property that had been purchased with a grant so there was a lien on the property to stipulate the property could only be used for park and recreation purposes. The attorneys representing Verizon did not want to violate this agreement and sought other sites for a tower. Their second choice was to construct a tower on property located on a hill east of the barn on the former Lawrence farm property. It would be located next to the tree line in order utilize only 100' x 100' of open territory. The McKenzie City Clerk and Mayor went to Nashville on Tuesday, April 10, 2007 to discuss with the Department of Environment and Conservation, Recreation Services Division about exchanging the newly purchased property minus the 100' x 100' area where the proposed tower would be located for approximately 5 acres surrounding the park water tank to get that land from under the lien of park property. This would free the water tower up for possible future cellular phone company use. The exchange proposal is under consideration by the Tennessee Department of Environment and Conservation. Councilperson Davis asked that if the release was granted on the water tank property, would this permit other cellular phone companies the opportunity to utilize the tank for cellular use. The answer was that his statement was correct. Councilperson Holland asked for definitive location of the proposed location of the tower and she was advised that it would be on the left behind the tree line as you entered the park up on the hill of the recently purchased Lawrence property. Holland asked that the Parks and Recreation Advisory Board be given opportunity to discuss this proposal and get their feedback because in a discussion with Mr. Gerald Parrish, RPAS Advisor for our area, a picnic area could be placed in this location. Councilperson Hale advised that the proposed location would not prohibit recreational use of the new land and the city was looking at a considerable amount of income for the lease of this area. Davis asked if the company would erect a fence to limit access to the area and he was advised that was correct. Davis asked how fast the approval had to be and was advised by the Mayor that the possible exchange of property for the water tank area property would probably not happen before August if everything went smoothly and that the cellular company was not willing to wait that long. There were other private property sites in the area around the park water tank that were under consideration and private parties would be given opportunity to sign a lease and the tower would be erected on their property and the city would lose the revenue.

Action Taken:

Motion made by Councilperson Davis, seconded by Councilperson Holland, to table the action until the next council meeting.

Motion is by role call vote:

Councilperson Hale	<u>No</u>	Councilperson Allen	<u>Yes</u>
Councilperson Davis	<u>Yes</u>	Councilperson Holland	<u>Yes</u>
Councilperson Ramey	<u>No</u>	Councilperson Adkins	<u>No</u>

Votes were as follows: Ayes - 3, Nays – 3, Abstain - 0, Absent - 0.

The vote was a tie vote and as outlined in the city charter, the mayor breaks a tie vote and Mayor Winchester voted No to break the tie to table the motion. The motion failed by vote of 4-3.

Mayor Winchester advised since the vote to table the motion was defeated, he asked the Council if they were inclined to submit a motion to proceed with the negotiations for the cellular tower.

Councilperson Adkins made a motion to proceed with the negotiations and the motion was seconded by Councilperson Ramey

Motion is by role call vote:

Councilperson Hale	<u>Yes</u>	Councilperson Allen	<u>Yes</u>
Councilperson Davis	<u>Yes</u>	Councilperson Holland	<u>No</u>
Councilperson Ramey	<u>Yes</u>	Councilperson Adkins	<u>Yes</u>

Votes were as follows: Ayes - 5, Nays – 1, Abstain - 0, Absent - 0.
The motion passes with a vote of 5-1.

2. Discussion of proposed audit by Telecommunications Associates on local cable franchise agreement

Discussion:

The City of McKenzie was approached by Telecommunications Associates to utilize their services in the audit of the local cable company records to determine if the city was receiving all the revenue from their agreement. This company is under contract to perform audits for other area cities and a list of the towns and cities utilizing this company were provided to the council. There is no initial cost for the company to conduct the audit but the company would receive 50% of the undiscovered revenue on a one time basis. No future revenue would be included in the contract. If the company discovers that the city was receiving all the eligible revenue due them, the company had just performed an audit for free. Councilperson Hale asked if the company tended to think there may be certain areas that the city is not receiving revenue from and he was advised there were some cities that had not received all their due revenue and there were others that no deficiencies were found. Councilperson Davis asked if the company had

approached the city with this proposal and he was advised that the company had made the approach to the city.

Action Taken:

Motion made by Councilperson Hale, seconded by Councilperson Holland, to accept the proposed audit from Telecommunications Associates.

Motion is by role call vote:

Councilperson Hale	<u>Yes</u>	Councilperson Allen	<u>Yes</u>
Councilperson Davis	<u>Yes</u>	Councilperson Holland	<u>Yes</u>
Councilperson Ramey	<u>Yes</u>	Councilperson Adkins	<u>Yes</u>

Votes were as follows: Ayes - 6, Nays – 0, Abstain - 0, Absent - 0. The motion passed 6-0.

i. Citizens Input

None

j. Council Discussion/Reports

Councilperson Adkins presented the monthly fire report. Adkins announced that the Town and City Newspaper had advised that Tennessee was the top state in reporting their fire incidents for the first quarter of 2007 and the local fire department under the leadership of Fire Chief Tucker was an active participant in this required reporting of fire incidents with an electronic report to the National Fire Incident Reporting System. The Fire Department has also initiated a training system for fire apparatus operations. All fire personnel will be required to have hands on training in the operation of fire equipment and a log will be maintained to show they have completed the required amount of training and Chief Tucker will review all training logs before permitting personnel to drive or operate the equipment.

Adkins advised that she had responded to a request from a 5th grade young lady in California for information on McKenzie, Tennessee and she had provided a group of information and items from McKenzie for her request

Councilperson Holland reported that the park's baseball/softball season had started and the pre season jamboree was a success. Holland thanked the Parks and Recreation crew for a good job in getting the fields ready for play. There was still a problem with a couple scoreboards and a question was asked if we had to purchase Pepsi Cola products because they had donated the scoreboards, were they supposed to maintain them. Mayor Winchester stated that he would contact Pepsi and determine the extent of our obligation to the company for the donation

of the scoreboards. Park Director stated that part of the problem with the scoreboards is the inexperience of the operators and the rough handling of the control pad. Councilperson Hale advised that he was in agreement that since we were purchasing Pepsi products, if they were supposed to maintain the scoreboards, they should be contacted to do this.

I. Adjournment

With no further business, motion was made by Councilperson Hale, seconded by Councilperson Davis, to adjourn. The motion passed.

APPROVED: _____
Walter Winchester, Mayor

ATTEST: _____
Charlie Beal, CMC
City Recorder